

CITY OF HAMILTON

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Parking and By-law Services Division

TO: Chair and Members Planning Committee	WARD(S) AFFECTED: CITY WIDE
COMMITTEE DATE: September 18, 2012	
SUBJECT/REPORT NO: Accessible Taxicab Licensing (PED10063(e)) (City Wide)	
SUBMITTED BY: Tim McCabe General Manager Planning and Economic Development Department	PREPARED BY: Bill Young 905-546-2424 Ext 2469 Al Fletcher 905-546-2424 Ext 1358 Shawn De Jager 905-546-2424 Ext 4721
SIGNATURE:	

RECOMMENDATIONS

- (a) That, in addition to issuing three standard taxicab plates in 2012, 2013 and 2014, as required by Schedule 25 of By-law 07-170, the following be approved:
 - (i) in 2013, 16 accessible taxicab plates be issued first to individuals on the taxicab priority list and, secondly, if any accessible taxicab licences remain, to members of the public; and,
 - (ii) in 2014, if any accessible taxicab licences remain from 2013, and if the taxicab to population ratio in Schedule 25 of By-law 07-170 continues to warrant the issuance of additional plates, accessible taxicab plates be issued up to the deficiency of the shortfall, first to individuals on the taxicab priority list then to members of the public,
- (b) That vehicles operating, but not licensed, as accessible taxicabs as of the date of Report PED10063(e), be offered a one-time amnesty and be issued a three-year temporary accessible taxicab licence, provided that:

- (i) the owner contacts the Issuer of Licences and confirms the Vehicle Identification Number within 30 days of this recommendation being approved by Council; and,
 - (ii) the owner satisfies the Issuer of Licences that the vehicle complies with the Schedule and By-law within 60 days of this recommendation being approved by Council.
- (c) That staff be directed to prepare a Request For Proposals (RFP) to hire a consultant, to be funded from the Tax Stabilization Reserve (110046) not to exceed \$100,000, to conduct a review of the taxicab industry in Hamilton, including stakeholder consultation and recommended options on:
- (i) complying with the Accessibility for Ontarians with Disabilities Act, 2005 and its regulations;
 - (ii) issuing taxicab plates in 2015, and subsequent years when the current requirement under Schedule 25 of Licensing By-law 07-170 to issue three plates per year expires; and,
 - (iii) taxi trip rates.
- (d) That a by-law amendment to Licensing By-law 07-170, including Schedule 25, be prepared, in a form satisfactory to the City Solicitor, and enacted by Council to:
- (i) implement recommendations (a) and (c) of Report PED10063(e); and
 - (ii) update the reference to the Provincial regulation setting accessible vehicle standards to Regulation 629 of the Revised Regulations of Ontario, 1990 (Vehicles for the Transportation of Physically Disabled Persons) made under the Highway Traffic Act.

EXECUTIVE SUMMARY

On February 28, 2012, Planning Committee received Information Report PED10063(d), which included an update on the timelines to adhere to the Accessibility for Ontarians with a Disability Act, 2005 and its regulations (AODA) with respect to accessible taxicabs. This Report included advice from the City's Advisory Committee for Persons with Disabilities (ACPD) along with a discussion of ongoing issues and staff's expectation "to report back to the Planning Committee with recommendations respecting creating an accessible taxi service in the Fall of 2012".

The recommendations in this Report take initial steps to provide an accessible taxi service with the intention of adhering to the AODA and maintaining the current plate program until its expiry on January 1, 2015. The recommendations do so by allowing for

accessible taxicab plates to be issued in 2013 and 2014, in addition to the standard plates, in accordance with taxicab to population ratio prescribed by Schedule 25 of Licensing By-law 07-170. Moving beyond January 1, 2015, staff will report back to Committee on its findings and recommendations based on the receipt and review of the consultant's work.

Alternatives for Consideration – Page 7

FINANCIAL / STAFFING / LEGAL IMPLICATIONS (for Recommendation(s) only)

Financial/Staffing: Recommendation (c) will require the hiring of an outside consultant to complete a review of the taxi industry and provide recommendations for the City moving forward from 2015. The study (not to exceed \$100,000) can be funded from the Tax Stabilization Reserve (110046).

Legal: N/A

HISTORICAL BACKGROUND (Chronology of events)

Report PD01120(c) – December 4, 2004

The current taxicab plate program was established in December 2004, with the implementation of the recommendations of Report PD01120(c) (attached as Appendix "A" to this Report). This program commenced on January 1, 2005, for a ten year period expiring on January 1, 2015, with 30 plates to be issued at a rate of three plates per year to individuals on the priority list. In addition, it provided for a taxicab to population ratio of 1:1,170 and a bi-annual evaluation to be undertaken by staff starting in 2007.

Advisory Committee for Persons with Disabilities (ACPD) Report 10-006 – November 9, 2010

In late 2010, the ACPD recommended in its Report 10-006 (attached as Appendix "B" to this Report) a number of reforms to taxicab licensing including:

- That by the end of 2012, 20% of taxicabs in the City of Hamilton be fully accessible.
- That within a reasonable timeframe, all taxicabs in the City of Hamilton be fully accessible.
- That all new or transferred taxicab plates only be issued to accessible taxicabs.
- That a communication strategy be developed to inform the public of reforms to the accessible taxicab system including fares.

At its meeting on January 10, 2011, the General Issues Committee referred the ACPD recommendations *“to the General Manager of Economic Development and Planning to further investigate and report back to the General Issues Committee”*.

Report PED10063(c) – May 3, 2011

The recommendation entitled “ACPD Proposed Reforms to Taxi Licensing By-law” was removed from the General Issues Committee Outstanding Business List and added to the Planning Committee’s Outstanding Business List. Further, staff were directed to *“undertake a review of the accessible taxi service and report back to the Planning Committee”*.

Ontario Regulation 191/11 under the AODA – June 2011

The Province acted to mandate accessible taxicab service. While a municipality must show progress towards implementing an accessible taxi service, the Province did not prescribe the regulations however, requires a municipality to determine the approach and program.

Information Report PED10063(d) – February 28, 2012

Staff advised that they would report back to the Planning Committee with recommendations respecting an accessible taxi service in the Fall of 2012 and, that the three plates will not be issued for 2012 until the report was received.

POLICY IMPLICATIONS

N/A

RELEVANT CONSULTATION

Staff met with members of the ACPD on July 10, 2012, and also consulted with the Accessibility Directorate of Ontario respecting the AODA requirements surrounding Accessible Taxicab Services.

ANALYSIS / RATIONALE FOR RECOMMENDATION

(include Performance Measurement/Benchmarking Data, if applicable)

The recommendations found in this Report were developed, in part, through the consultation with the ACPD and Accessibility Directorate of Ontario, as well as through additional research conducted by staff. They are the initial steps towards providing an accessible taxi service while maintaining the current plate program until its expiry. Moving beyond January 1, 2015, further steps will be recommended by staff after

consideration of the consultant's review (see recommendation (c)). Currently there are no licensed accessible taxicabs in Hamilton. There are unlicensed vehicles providing transportation service to persons with a disability, similar to that of a taxicab. To date, enforcement has not occurred, as it has the potential to reduce the few transportation options available to persons with disabilities.

Staff also heard from members of ACPD about instances of price gouging and unsafe service and a reluctance to make complaints for fear of losing the little service available to persons with a disability. Therefore, this situation, combined with the lack of momentum in the delivery of licensed accessible taxicabs, has created a sense of frustration with the City and the taxicab industry.

Staff also consulted with the Accessibility Directorate of Ontario with respect to the City demonstrating progress in determining the demand for an accessible taxi service and taking steps to meet this demand. The Director, Outreach and Compliance Branch, advised the following in an email received on May 25, 2012;

"Beginning January 1, 2013, Section 79 of the Integrated Accessibility Standards Regulation (IASR) requires you to consult on determining the demand for an accessible taxi service in your community. Progress and steps taken to meet this demand must be included in your multi-year accessibility plan."

And,

"The first goal of the Accessibility Directorate of Ontario is to help organizations meet their accessibility requirements. In cases of non-compliance, the province will first try to help businesses and organizations meet their accessibility requirements. Non-compliance with the Act and its regulations will be responded to in a proportionate manner with progressive sanctions, including inspections, orders and penalties."

Further, staff has been informed of a motion passed at the Seniors Advisory Committee on May 4, 2012 which stated:

"While recognizing the need for adapted taxis, the Seniors Advisory Committee recommends that the standard taxi, which allows access by sitting on the seat, without having to step up, remain available in sufficient numbers to meet the demand."

As per the 2004 Council direction, the Issuer of Licences has issued three plates per year in accordance with the program. Given the Council direction to limit the number of taxicab licences issued through 2015, staff has not reviewed the population ratio. To be prepared for the end of the current program in 2015, staff is recommending the hiring of an outside consultant who, acting as an impartial third party, will conduct a review and recommend options for staff consideration of a new program starting January 1, 2015.

Recommendation (a)

Implementing this recommendation will introduce accessible taxi service, as required, under the AODA and in accordance, in part, with the recommendations of the ACDP by:

- issuing up to 16 additional plates for accessible taxicabs in 2013, to make up for the shortfall in the taxicab to population ratio prescribed under Schedule 25; and,
- issuing additional plates for accessible taxicabs in 2014, if a shortfall in the taxicab to population ratio remains.

When one or more accessible taxicab licences has not be issued to an individual in any year on the priority list, the Issuer of Licences will carry out a selection process for the licences as follows:

- the available licences shall be advertised in the Hamilton Spectator newspaper and on the City's website inviting the submission of applications within a specified period of time;
- a draw shall be conducted from all of the submitted, complete applications which otherwise comply with By-law 07-170, including Schedule 25; and,
- the winners of the draw may be issued a licence by the Issuer of Licences.

This recommendation does not stop or supplant the issuance of the three standard taxi plates per year (2012, 2013 & 2014) to the taxicab priority list as outlined in Schedule 25 of By-law 07-170.

Recommendation (b)

Currently, there are vehicles operating as accessible taxicabs without licences. It is not known whether or not these vehicles meet the Provincial regulations setting out accessible vehicle standards. It is recommended that a one-time amnesty be offered to the owner/operators to ensure the Provincial standards are met, as well as all requirements of By-law 07-170, including Schedule 25. If, after the amnesty ends, these or other vehicles continue to operate without a licence, proactive enforcement will take place with charges being laid and, upon conviction, fines levied. To commence enforcement and/or attempt to remove the vehicles from the road immediately could further limit the mobility options of the disabled community which is a concern of the ACDP.

Recommendation (c)

Options for a new program for issuing plates, including plates for accessible taxicabs, will be recommended by staff for approval and reported back following consideration of the consultant's review and recommendations before 2015.

In conducting the review and making recommendations, the consultant will have to consider the history of the taxicab industry in Hamilton and compliance with the AODA and industry trends. The consultant will be able to do this in an independent manner which will be especially important when the various stakeholders are consulted.

Upon completion of the consultant's review, staff will report back to the Planning Committee with recommendations for a new program for issuing plates and providing an accessible taxi service from the year 2015 onwards.

Recommendation (d)

Recommendations (a) and (b) require amendments to the Licensing By-law, including Schedule 25. In addition, the Provincial Regulation setting accessible vehicle standards has been replaced, and Schedule 25 needs to be updated to reference the new regulation.

ALTERNATIVES FOR CONSIDERATION

(include Financial, Staffing, Legal and Policy Implications and pros and cons for each alternative)

Alternative 1

Direct staff to only issue accessible taxi plates for the remaining three years of the current taxi plate program in addition to the 16 accessible plates as set out in recommendation (b).

Staff Opinion

This would end the current program, under which three standard taxi plates will be issued in each of 2012, 2013 and 2014.

Alternative 2

Create an "open market" by eliminating the cap on plates and allowing any and all applicants who fulfil the requirements of By-law 07-170 to be issued plates for accessible taxicabs only.

Staff Opinion

An "open market" approach is uncommon in larger municipalities like Hamilton and is generally viewed as being detrimental to the industry. Should this alternative be further explored, considerable study including extensive consultation with the industry and the public should be completed prior to making any changes.

CORPORATE STRATEGIC PLAN (Linkage to Desired End Results)

Focus Areas: 1. Skilled, Innovative and Respectful Organization, 2. Financial Sustainability,
3. Intergovernmental Relationships, 4. Growing Our Economy, 5. Social Development,
6. Environmental Stewardship, 7. Healthy Community

Healthy Community

- ◆ The taxi industry provides a mode of transportation and mobility to all residents of the City as well as provides an alternative to automobile ownership.

APPENDICES / SCHEDULES

Appendix "A" to Report PED10063(e) - Report PD01120
Appendix "B" to Report PED10063(e) - ACPD Report 10-006

SDJ/AF/dt

**CITY WIDE
IMPLICATIONS**

CITY OF HAMILTON

**PLANNING AND DEVELOPMENT DEPARTMENT
Building and Licensing Division**

Report to: Chairman and Members Planning & Economic Development Committee	Submitted by: Lee Ann Coveyduck General Manager
Date: December 10, 2004	Prepared by: Doug Rose (905) 546-2424 Ext. 4586
File:	Judy Downey (905) 546-2424 Ext. 6108

SUBJECT: Taxi Industry By-law No. 03-128 Review (PD01120(c)) (City Wide)

RECOMMENDATION:

- (a) That any reference to the term "licensed vehicle", Schedule 25 of Licensing By-law 01-156, attached as Appendix B to Report PD01102(c), shall be deleted and replaced with "taxicab".
- (b) That Section 1 in Taxi By-law No. 03-128, Definitions and Interpretation be amended:
 - (i) by adding to (a)(28) the words, "and shall have all the obligations and duties of a taxicab owner in this Schedule", to read as follows:

""lessee" means a person who is either a licensed taxicab owner or taxicab driver under this Schedule and who has entered into a lease with a licensed taxicab owner through which the person acquires certain rights from the owner and under takes to fulfil certain responsibilities with respect to the use of the taxicab owner's licence, licence plate and vehicle; and shall have all the obligations and duties of a taxicab owner in this Schedule.";
 - (ii) by adding to (a)(38), the definition of "owner", to read as follows:
 - "(1) "owner" means owner of a taxicab plate.
 - (2) "owner's plate" means a metal vehicle licence plate bearing a number specific to a vehicle issued to a taxicab owner under this Schedule."

SUBJECT: Taxi Industry By-law No. 03-128 Review (PD01120(c)) (City Wide)
Page 2 of 18

- (c) That Section 5 in Taxi By-law No. 03-128, General Prohibitions be amended, by adding subsection (11), to read as follows:

"No owner, operator or driver shall permit or allow any person to smoke in a taxicab."

- (d) That Section 6 in Taxi By-law No. 03-128, General Duties – Taxicab Drivers/Owners/Brokers be amended:

- (i) by adding Subsection (6) to read as follows:

"Every driver, owner and broker of a taxicab shall provide to the Issuer of Licences and any Officer enforcing this Schedule, upon request and/or when required pursuant to this Schedule, an address within the City of Hamilton for service for any documents or notices to be provided pursuant to this Schedule or by Law."

- (ii) by adding Subsection (7) to read as follows:

"for the provision of this Section owner shall include the lessee."

- (e) That Section 9 in Taxi By-law No. 03-128, Licensing Prerequisites – Taxicab Owners be amended:

- (i) by amending Section 9(4)(b), add the words "This provision shall be phased in over five years from the date of enactment of the re-wording", to read as follows:

"if no one person holds at least fifty-one percent (51%) of the voting rights of the corporation, then the minority shareholder, holding the greatest percentage of the voting rights attached to all shares of the corporation for the time being issued and outstanding, shall be a taxicab driver holding current and valid taxicab driver licence under this Schedule. Where among the minority shareholders there are more than one minority shareholder holding the greatest percentage of the voting rights attached to all shares of the corporation for the time being issued and outstanding, the corporation shall designate the minority shareholder among such group who shall be a taxicab driver holding current and valid taxicab driver licence under this Schedule. This provision shall be phased in over five years from the date of enactment of the re-wording."

- (iii) by amending Subsection (7), delete \$5,000,000 and insert \$2,000,000, to read as follows:

"unless such person produces and files with the Issuer of Licences, a copy of a current and valid Ontario Standard Automobile Insurance policy for the vehicle for which such person is the owner and the policy shall be endorsed to provide that the Issuer of Licences will be given at least thirty (30) days notice in writing prior to any cancellation, expiration or change in

SUBJECT: Taxi Industry By-law No. 03-128 Review (PD01120(c)) (City Wide)
Page 3 of 18

the coverage amount or terms of the policy and the policy shall have a third party liability limit of no less than \$2,000,000 per occurrence, exclusive of interest and costs, indemnifying and protecting the owner and the public, including passengers and goods carried in such vehicles, inclusive of public liability and property damage;"

- (ii) by deleting Subsection (18) and 18(a) and (b); amend to read as follows:

"Upon enactment of this Schedule, every holder of a taxicab owner's licence shall provide proof that he or she renewed his/her taxicab plate licence in the year 2000."

- (iii) by deleting Subsection (19).

- (iv) by adding Subsection (22), to read as follows:

"for the provision of this Section, owner shall include the lessee."

- (v) by adding Subsection (23), to read as follows:

"That thirty (30) new non-transferable taxicab owner plates be issued at three (3) plates per year over the next ten (10) years commencing January 2005; with an evaluation being undertaken by staff in 2007, and bi-annually throughout the ten year phase-in to assess the impact of issuance on the taxicab industry.

- (f) That Section 37 in Taxi By-law No. 03-128, Leasing be amended:

- (i) by amending Subsection (2), delete "taxicab and", to read as follows:

"A taxicab owner may lease or renew a lease of his or her taxicab owner's plate, provided that:"

- (ii) by amending Subsection (2)(b), delete "licensed taxicab owner's taxicab", to read as follows:

"the proposal contains a lease agreement which provides for lease of the taxicab owner's plate;

- (iv) by amending subsection (10) to read as follows:

(1) Every owner shall notify the Issuer of Licences and the lessee in writing of the expiration or other sooner termination of any lease to which he or she is a party or of any change in custody and control over his or her taxicab, at least fifteen (15) days prior thereto; and provide proof of service upon the lessee by way of a sworn affidavit.

(2) Every lessee shall notify the Issuer of Licences and the lessor in writing of the expiration or other sooner termination of any lease to

SUBJECT: Taxi Industry By-law No. 03-128 Review (PD01120(c)) (City Wide)
Page 4 of 18

which he or she is a party or of any change in custody and control over his or her taxicab, within fifteen (15) days prior thereto; and provide proof of service upon the owner by way of a sworn affidavit.

(g) That Section 45 in Taxi By-law No. 03-128, Taxicab Vehicle Standards and Inspections be amended:

(i) by amending subsection (1), delete sub-subsection (b).

(ii) by amending subsection (1), add sub-subsection (d), to read as follows:

“notwithstanding the age restriction set out in Section 45(1) any taxicab vehicle fueled by an alternative fuel, as determined by the issuer of Licences from time to time, shall be permitted one additional year of service to seven model years of age.”

(iii) by deleting subsection (2), and replace with the following corrected wording:

“To operate as a licensed taxicab, the vehicle shall be subject to the following mechanical fitness and safety inspections to be licensed or to have a licence renewed, as follows:

(1) taxicab vehicles with a model year of one model year of age to less than three years of age shall be required to undergo mechanical fitness and safety inspections by City of Hamilton inspectors and provide a safety standards certificate issued under the Highway Traffic Act R.S.O. 1990, c.H.8 one time per year or at such greater frequency as may be required by the Issuer of Licences;

(2) taxicab vehicles with a model year of three years of age to a maximum of six years of age shall be required to undergo mechanical fitness and safety inspections by City of Hamilton inspectors and provide safety standards certificates issued under the Highway Traffic Act R.S.O. 1990, c.H.8 two times per year or at such frequency as may be required by the Issuer of Licences.

(h) That Section 46 in Taxi By-law No. 03-128, Spare Vehicles be amended:

(i) by amending subsection (5), delete “three (3)” and insert “nine (9)”, to read as follows:

“The taxicab owner shall be limited to one (1) spare vehicle per five (5) licensed taxicab vehicles owned by such taxicab owner to a maximum of nine (9) spare vehicles.”

(ii) by adding subsection (8), to read as follows:

SUBJECT: Taxi Industry By-law No. 03-128 Review (PD01120(c)) (City Wide)
Page 5 of 18

"A vehicle previously authorized as a taxicab by the Issuer of Licences, may be continued to be used as a spare vehicle only provided that it does not exceed seven model years in age."

(i) That Section 50 in Taxi By-law No. 03-128, Duties of a Taxicab Driver be amended:

(i) by amending subsection (17), by inserting "or as approved by the Issuer of Licences", to read as follows:

"when operating a taxicab, keep a daily trip sheet, in the form attached to Appendix "2" or as approved by the Issuer of Licenses, containing the following information:"

(ii) by amending subsection (30), delete "390" and insert "39", to read as follows:

"provide the medical certificate, as required by the Issuer of Licences, pursuant to section 39 of this Schedule."

(j) That Section 51 in Taxi By-law No. 03-128, Driver Prohibitions be amended:

(i) by amending subsection (17), delete "and" and replace with "and/or", to read as follows:

"operate a taxicab without door side numbers and/or letters and/or a roof light as required by this Schedule;"

(ii) by deleting subsection (28).

(k) That Section 52 in Taxi By-law No. 03-128, Owner's Duties be amended:

(i) by deleting "No licensed owner shall fail to:", to read as follows:

"No licensed owner or lessee shall fail to:"

(ii) by amending subsection (4)(a), delete "\$5,000,000" and replace with "\$2,000,000", to read as follows:

"obtain and maintain a policy of insurance in respect of the taxicab in full force and effect during the entire period of time for which the licence is issued and in full force and effect in an amount not less than \$2,000,000, exclusive of interest and costs, against loss or damage resulting from bodily injury to or death of one or more persons or from loss or damage to property resulting from any one accident;"

(iii) by amending subsection (4)(b), delete "\$5,000,000" and replace with "\$2,000,000", to read as follows:

SUBJECT: Taxi Industry By-law No. 03-128 Review (PD01120(c)) (City Wide)
Page 6 of 18

"provide a special endorsement to the policy of insurance referred to include clause (b), for passenger hazard in an amount not less than \$2,000,000, exclusive of interest and costs;"

- (iv) amend subsection (13), delete "annually" and replace with "pursuant to Section 45(2) of this Schedule", to read as follows:

"submit each licensed taxicab for general inspection and approval by the Issuer of Licences or an Officer pursuant to Section 45(2) of this Schedule, and at such other time or times when requested to do so by either of them;"

- (v) by deleting subsection (14), and replace with the following wording to read as follows:

"each taxicab must be equipped with an emergency lighting warning system mounted on the exterior of the vehicle as approved by the Issuer of Licences to provide safety for the taxicab driver;"

- (vi) by adding subsection (26) to read as follows:

"ensure that any vehicle for which the taxicab plate is to be used shall be in compliance with this Schedule."

- (l) That Section 53 in Taxi By-law No. 03-128, Owner Prohibitions be amended:

- (i) by deleting "No licensed owner shall:", and shall read as follows:

"No licensed owner or lessee shall:"

- (ii) by adding Subsection (26) to read as follows:

"shall permit his or her taxicab plate or the operations thereof to be used on a vehicle that does not comply with this Schedule."

Lee Ann Coveyduck
General Manager
Planning and Development Department

EXECUTIVE SUMMARY:

Council directed staff to undertake a review of the Harmonized Taxi By-law within one year of its enactment. The proposed By-law amendments in this report have taken into consideration all input from the industry and addressed those issues where the industry identified concerns respecting the current Taxi By-law. Each of these areas is discussed

SUBJECT: Taxi Industry By-law No. 03-128 Review (PD01120(c)) (City Wide)
Page 7 of 18

in the report. The discussion includes an explanatory note respecting the nature of the issue and staff recommendations.

The report includes several recommendations to address the impact of the Taxi By-law on the taxi industry respecting the following areas:

- Elimination of existing borders of former municipalities
- Owner operated taxicabs and leasing
- Priority list and issuance of taxi plates
- Wheelchair accessible taxicabs
- Customer focus and Service
- Quality and age of vehicles
- Driver training and safety
- Increased municipal enforcement
- Other By-law requirements such as taxi fare increase and taxi broker regulations

This report also includes the positive impact of the Taxi By-law on the industry such as:

- improved condition and appearance of the taxi fleet;
- increased safety for taxi drivers due to the installation of emergency lighting;
- increased enforcement of the By-law;
- an increase in working rapport between the dedicated taxi staff and taxicab industry stakeholders;
- introduction of the customer bill of rights and the taxicab driver bill of rights;
- implementation of the customer service hotline; and,
- the By-law is continuing to evolve as new requirements are phased in such as:
 - the age of vehicles;
 - driver training program; and,
 - the requirement of more safety equipment in taxicab vehicles, i.e., Global Positioning System (GPS) and in-car cameras.

BACKGROUND:

City Council at its meeting of May 28, 2003, approved a new Harmonized Taxicab By-law, which contains regulations that address both the issues of amalgamation and taxi industry reform. At that time, Council requested that the By-law be reviewed in six months to determine the success and failures of the new By-law. As a result of comprehensive consultation with all taxi industry stakeholders, staff has identified several areas of concern that are included in the recommendations in this report. A public meeting was held in April 2004, at which all of the proposed By-law recommendations were made available to all attendees for their comment / input.

The By-law addressed the following issues identified by the taxi industry stakeholders, Council and staff throughout the taxi reform review and consultation:

- Elimination of existing borders of former municipalities

SUBJECT: Taxi Industry By-law No. 03-128 Review (PD01120(c)) (City Wide)
Page 8 of 18

- Owner operated taxicabs and leasing
- Priority list and issuance of taxi plates
- Wheelchair accessible taxicabs
- Customer focus and service
- Quality and age of vehicles
- Driver training and safety
- Increased municipal enforcement
- Other By-law requirements such as taxi fare increase and taxi broker regulations

Many of the new regulations respecting the leasing of taxicabs, age of vehicles and the installation of taxicab driver safety components are being phased in over a three to five year period from the enactment of the By-law, May 28, 2003.

The development of the Harmonized Taxi By-law was a long process, which included extensive consultation with the taxicab industry stakeholders, the public, Council and other municipalities. Many of the new regulations are in place and have resulted in positive changes for both the taxicab industry and the public including:

Elimination of Borders:

- Originally a controversial issue during the consultation process, this regulation has been implemented with great success. The fear from the industry that the elimination of the existing six borders of the former municipalities prior to amalgamation would harm the industry has been unfounded. Industry stakeholders believed that the elimination of borders would reduce the on-street value of taxi plates, particularly in the former City of Hamilton and would reduce the service levels in the rural areas and former municipalities. This has not been the case, plate values have increased from a preamalgamation value of approximately \$65,000 - \$75,000 to a current street value of approximately \$100,000 - \$110,000. Our records indicate that service levels have not dropped in the former area municipalities or rural areas as was the concern raised prior to the creation of the By-law. Taxi drivers are now able to pickup fares in all six of the former municipalities, which they were prohibited from doing prior to the implementation of the new rules. This regulation has resulted in better service to the public and has created an improved working environment for the taxicab drivers as dead heading is eliminated. There are still some concerns raised by taxicab operators in the former City of Hamilton who believe that there are too many taxis operating in the downtown core, however, statistics to support this concern have not been submitted to staff. The taxi drivers have advised staff that demand for taxicab use has decreased by 20% to 30% in the City; they do not feel that this is a result of the By-law but a trend that the taxi industry is currently experiencing.

Owner operated taxicabs and leasing:

- The Harmonized Taxicab By-law required that the taxicab plate owner and the taxicab lessee have both their names on the ownership of the taxicab vehicle

SUBJECT: Taxi Industry By-law No. 03-128 Review (PD01120(c)) (City Wide)
Page 9 of 18

and on the insurance policy documents. The intent of this requirement was to ensure that absentee plate owners are accountable for the action of lessees and for the condition of the taxicab vehicle.

This requirement proved to be very problematic for the owners and lessees and incurred costs, which were unexpected by both parties. The proposed amendment to the definition of "lessee" will ensure that taxicab lessees will be equally responsible as taxicab owners for the use of the taxicab licence, taxicab plate, the vehicle and compliance with all requirements in the By-law. As a result, both taxicab plate owners and taxicab lessees can be held responsible for their compliance with the By-law and both can be charged for non-compliance with the By-law.

Priority list and issuance of taxi plates:

- As a result of the Harmonized Taxi By-law, the priority lists in existence in the former Cities of Hamilton and Stoney Creek were merged with 156 individuals on the list. Prior to the amalgamation members on the list had paid \$60 per year to maintain their status on their respective priority list. This fee was maintained with the passage of the harmonized By-law for members to retain their status on the merged priority list. The current priority list approved by Council at their meeting in July 2004 consists of 119 names. The decrease of the number of names on the priority list is due to failure to remit the \$60 annual fee and/or an individual's inability to meet the requirements pursuant to the By-law to retain their status on the list.
- Throughout consultation with taxi industry stakeholders, staff was advised that only those individuals who are actively engaged in the taxi industry should be allowed to maintain their status on the priority list. As a result, new regulations and criteria were established in the By-law to determine eligibility for the harmonized priority list most notably the requirement to be actively engaged in the industry. 'Actively engaged in the industry' requires that the person on the priority list must maintain their licensed status as a taxicab owner, taxicab driver, taxicab dispatcher, taxicab business mechanic or taxicab broker for at least an average of thirty hours per week during at least forty weeks of the previous twelve months in order to remain on the list. The names on the harmonized priority list were given one year to establish their activity in the industry to retain their status on the list. Those members who were unable to retain their status on the priority list have proposed that they receive a refund for all the years that they paid the \$60 fee. Staff do not support this refund as there was never any guarantee that an individual would be issued a taxicab owner's plate; the priority list was only a ranking of individuals should taxicab plates be issued at some time in the future. Individuals would be required to meet all other requirements in the Taxi By-laws existing in their respective former municipalities. The former City of Hamilton required that an applicant be actively engaged in operating a taxicab full-time in the City for a period of not less than two consecutive years immediately preceding the date of consideration of the application by the Licensing Committee. If an applicant failed to meet the requirements, his or her

SUBJECT: Taxi Industry By-law No. 03-128 Review (PD01120(c)) (City Wide)
Page 10 of 18

name was deleted from the Taxicab Priority List and a licence would not be issued to that applicant. The Harmonized Taxi By-law continued these requirements, and therefore, staff feel that the request for a refund is not warranted as the eligibility requirements have been consistent. However, pursuant to the current Taxi By-law members are deleted from the list prior to a taxicab plate being offered for issuance, and this would alleviate the member from continuing to pay the \$60 annual fee when there is no possibility of eligibility.

- The taxicab to population ratio established in the Taxi By-law is one taxicab per 1,170 population, which is a standard ratio throughout the taxi industry to provide a sustainable, profitable business for taxi industry participants. The current population is 503,000, which warrants the issuance of 30 additional taxicab owner plates. Staff propose that 30 new non-transferable taxicab owner plates be issued at 3 plates per year over the next ten years starting in January 2005, with an evaluation being undertaken by staff in 2007, and bi-annually throughout the ten year phase-in to assess the impact of issuance on the taxicab industry. Staff feel that the issuance of 30 new taxicab plates within a one year period would have a negative impact on the taxicab industry. Therefore, staff propose a ten year phase in period as industry stakeholders have advised that industry demand has decreased twenty to thirty percent.

Wheelchair accessible taxicabs

- Staff is currently attending meetings with the Advisory Committee for Persons with Disabilities - Transportation Sub-committee. The committee has outlined their needs and are requesting a detailed plan as to how accessible transportation service will be provided for their use. Staff has also had discussions with the taxicab brokers respecting accessible taxicabs and they indicated that the operation of accessible taxicabs is cost prohibitive as the vehicle, maintenance, fuel and insurance costs are much higher than a conventional taxi. Therefore, if the service is to be undertaken by the taxicab brokers and / or owners a separate fee schedule and class of licence would be proposed to address these costs. Currently, new taxicab plates can only be issued to those names on the taxicab priority list; individuals have indicated that they are not willing to spend \$60,000 to purchase an accessible vehicle.
- To date Blue Line Taxi is the only brokerage that offers accessible taxi service. The service is operated primarily during the day and is not an on demand service, prior scheduling is required approximately two days in advance. These vehicles are inspected four times per year by the Ministry of Transportation and must adhere to strict regulations pursuant to the Ministry.
- Staff is currently consulting with DARTS to address accessible service and will provide a report as information becomes available.

Customer Focus and Service

SUBJECT: Taxi Industry By-law No. 03-128 Review (PD01120(c)) (City Wide)
Page 11 of 18

- The By-law has created a clear set of standards that must be kept every time a customer enters the taxicab. A customer compliments / complaints hotline has been established to provide passengers a mechanism to effectively deal with their concerns. There is now a timely follow up and resolution process to ensure that customer concerns are addressed. The public can now expect, when calling a cab, that the car will be affordable, clean and safe. Customers should expect courteous, knowledgeable and qualified drivers. Taxicab owners are now required to post a Customer Bill of Rights and a Driver Bill of Rights in each taxicab in order to avert any confusion respecting the rights and responsibilities of each party.

Quality and Age Restriction on Vehicles:

- The age restriction imposed on vehicles operating as taxicabs is being phased in over a three year period. Taxicab vehicles can be no older than six years of age and must be replaced at the end of year six. Vehicles operating as taxicabs at the time the By-law was passed have three years to comply with the age restriction from the date of the passing of the Taxicab By-law, May 28, 2003. Taxicabs that are either replaced, sold, or change their lease agreements must comply with the age requirements immediately and are not eligible to be phased in over three years.

There has been a marked improvement in the quality of vehicles now operating as taxicabs in the City. Prior to the age restriction requirement, the average age of the taxicab fleet was model year 1992, currently the average age of the taxicab fleet is model year 1998. By the year 2006, all taxicabs will be in compliance with the six year age requirement.

There are still some outstanding issues, which were raised by the taxi industry respecting the extension of the vehicle age limit beyond the current six year limit. Industry stakeholders suggested that staff increase the age limit from six to seven years for taxicabs or allow those taxicabs at the six year limit to be turned over as spare taxicabs for an additional year. Given the improved appearance and compliance of taxicabs currently operating in the City, staff do not support the increase of the age restriction from six years to seven years for taxicabs. However, staff support turning over the taxicab after reaching the six year limit to allow the taxicab to be used as a spare vehicle for one additional year. Our records indicate that vehicles that are six years of age or less require less monitoring for repair inspections by staff as compared to vehicles that are seven years or older.

The By-law currently requires that vehicles which are three to four model years old must provide safety certificates two times per year, vehicles which are five model years or more must provide safety certificates three times per year. Staff has found that undertaking more than two inspections per year of 400 taxicabs is not manageable with the current number of staff available to dedicate to the Taxi Office. Therefore, staff recommend that the age restriction be maintained at a maximum of six model years. Taxicabs that are one to three model years of age

SUBJECT: Taxi Industry By-law No. 03-128 Review (PD01120(c)) (City Wide)
Page 12 of 18

will be required to submit a safety certificate and to attend at the taxi office for inspection once per year. Taxicabs that are more than three model years of age up to six model years of age (including spare taxicabs) will be required to submit a safety certificate and to attend at the Taxi Office for inspection twice per year.

Driver Training and Safety:

- Throughout the discussions with the taxi industry stakeholders, a common concern prevailed respecting taxi driver safety and to deter and prevent crime. The By-law now requires the owners to provide a number of safety features in the taxicab which will serve to create a safe work environment for the drivers and provide a safe and secure vehicle for the riding public. As with many of the new regulations there is a phase in period in which the owners must equip the vehicles with the required safety equipment. Taxicab owners have been required to install an emergency lighting system in the vehicles, which when activated by the driver will alert the public to dial 911 to inform the police that a taxicab or taxicab driver is in some difficulty. The entire taxicab fleet has now installed this system. On December 10, 2003, a press conference was held in conjunction with the Hamilton Police Service to advise the public of the emergency lighting system and what to do when they observe the lights flashing.

Over the next five years taxicab owners will be required to install an in-car camera and a global positioning system (GPS). Blue Line Taxi has already installed a GPS system in their taxicabs; they state that it allows the broker to know where all its taxicabs are located at any given time and allows the broker to provide better customer service. Both safety measures will assist in providing for a safe environment for drivers and passengers. In addition to the above requirements taxicab owners are now required to post a Drivers' Bill of Rights in each vehicle. This document gives a clear explanation to the public when a driver can refuse a fare in order to protect his/her safety.

Staff has been in consultation with other municipalities and recommend that the City of Hamilton adopt Taxicab Driver Training Program Course offered by the City of Mississauga as the required course for taxicab driver training. The course incorporates adult learning methods; is instructed by subject matter and industry experts; the program can be delivered in Hamilton, and the program content is flexible and can be customized for City of Hamilton taxicab drivers

The City of Mississauga Taxicab Driver Training Course is comprised of three components:

1. Taxi Driver Orientation:
 - What is expected of taxicab drivers as a representative of the City and always presenting a professional image
 - What you can expect as a taxicab driver as an independent business person, enjoying the freedom and independence of being self employed and establishing strong and lasting relations with customers

SUBJECT: Taxi Industry By-law No. 03-128 Review (PD01120(c)) (City Wide)
Page 13 of 18

- Tourism – as an important representative of the City. Taxicab drivers are often the first contact for visitors to the city.
- This module includes tips for being a great guide to the municipality.
- Customer Service – increasing the number of customers, increasing revenues and tips and tips for improving customer service.
- Handling difficult customers – remain professional, listen to the customer's complaint and be diplomatic.
- Driver's appearance
- Taxicab drivers and the law – Municipal By-laws, Provincial regulations (Highway Traffic Act, Municipal Act and Disabled Persons Act), Federal regulations including the Canadian Human Rights Act
- Communication – being a good clear communicator
- Customer and Driver Safety
- Business and financial planning

2. Sensitivity Training:

- Discuss the classes - individual and collective knowledge and experience with disabilities
- Relate the knowledge to the laws – By-laws, Disabilities Act and Human Rights Code
- Discuss customer expectations and needs
- Assist blind customers
- Group case studies
- Quiz
- Evaluation

3. Defensive Driving:

- Introduce statistics and definitions regarding defensive driving, preventable collisions, conditions that affect drivers and prevention formula
- Discuss four accident patterns: intersections, changing lanes, backing-up and head-on
- Group work and case studies
- Presentation – parking control
- Crime and robbery prevention

Staff recommends that all new taxicab drivers be required to undertake and successfully complete Sections 1 and 2, Taxi Driver Orientation and Sensitivity Training, of the training course upon application and as a condition of licence issuance.

Staff recommends that all existing taxicab drivers be required to take Section 2 - Sensitivity Training within three years of the passage of this amendment. Staff will provide a schedule within which currently licensed taxicab drivers will be

SUBJECT: Taxi Industry By-law No. 03-128 Review (PD01120(c)) (City Wide)
Page 14 of 18

required to attend the course so that facility arrangements can be made pursuant to the number in attendance.

Staff recommends that all taxicab drivers that have been required to appear before the Licensing Committee due to traffic infractions as indicated on their Driver Abstract be required to successfully complete Section 3 – Defensive Driving Course prior to their taxicab driver licence being issued / renewed.

Following is the current fee structure proposed by the City of Mississauga:

Taxicab Driver Orientation	\$95
Defensive Driving Course	\$105
Sensitivity Training Course	\$95

Increased Municipal Enforcement:

- Throughout all consultations with the industry stakeholders there was a desire for increased enforcement to ensure that the industry's concerns respecting quality and safety of vehicles and driver standards are in compliance with the existing and proposed By-laws. In response to the concerns raised staff has implemented a pro-active program for taxi enforcement, which includes monthly random safety lanes, increased hours in the Taxi Inspection Office, increased on-street random taxi inspections and a complaint tracking system.
- Currently there are four Standards and Licensing Inspectors assigned to taxicab enforcement. These individuals operate the Taxi Inspection Office and provide for most of the on-street enforcement. In addition there are fifteen Standards and Licensing Inspectors who also provide a minimum standard of enforcement when their workload permits. Since the By-law was passed in May of 2003, there have been 62 charges laid. Most of these By-law charges relate to condition of the vehicles, unauthorized vehicles, unlicensed taxicab drivers and other By-law violations. The dedicated taxi staff has created a rapport with the industry which was lacking before the new By-law came into effect.
- Plate owners, drivers and brokers are now aware of the increased enforcement, the expectations of the inspectors and the consequences of non-compliance with the By-law. This new level of communication, co-operation and respect which now exists in the industry has served to create a taxi industry that is moving forward and is one that the City can be proud of. The inspection staff has also developed partnerships with the Hamilton Police Service (safety lanes and driver safety) and the Ministry of Transportation (false safeties) to provide a more effective enforcement regime. The Short Form Wording Ticket System was approved by the Attorney General's Office, which allows inspector to issue tickets immediately and serves to reduce the amount of time they are required to appear in court.

SUBJECT: Taxi Industry By-law No. 03-128 Review (PD01120(c)) (City Wide)
Page 15 of 18

Taxi Plate Activity:

In October 2003, Council approved a motion which directed staff to undertake public consultation to amend the Taxi Licensing By-law by deleting Section 9(18)(a) and (b), which regulates the Licensing Prerequisites for Taxicab Owners to establish proof that the taxicab owner has been directly and actively engaged in the management or day to day operations of his/her taxicab(s) for the past six years to be eligible to apply for the renewal of such taxicab owner's licence; and that staff be authorized to stay the requirements of Section 9(18)(a) and (b) until such time as Council addressed the aforementioned amendment.

Throughout the taxi consultation process prior to the approval of the Harmonized Taxi By-law the taxicab plate owners in the former City of Hamilton expressed concern that there may be a number of plate holders from the former area municipalities that did not actively operate their taxicab plates, even though their former municipalities renewed their taxicab plate licence each year. In order to address this concern, the Taxi Subcommittee incorporated the criteria in Section 9(18)(a) and (b) into the new By-law that requires taxicab plate owners (including the plate owners in the former City of Hamilton) to provide proof in the form of documentation that each taxicab owner was active in the industry for the past six years. The documentation includes: insurance certificates, trip sheets, drivers lists, safety certificates, City inspection certificates, T4 slips – and any documentation that could prove the plate owner was actively engaged in the industry.

When the time arrived for the industry to provide this documentation there was a great deal of resistance from taxicab owners. Many taxicab owners indicated that they did not have the required documentation, nor were they required in any previous By-law of the former municipalities to retain this documentation. Some taxicab owners indicated that they would sue the City if they were denied a plate because they did not supply the documentation as required in Section 9(18)(a) and (b). In some instances operators in the former City have purchased plates and/or leased plates from operators in the former area municipalities and did not wish to provide the documentation for these new plates. Many plate owners (absentee plate owners) who leased their plates to other operators indicated they could not gather the required documentation. Staff consulted with all the licensed brokers to determine if there still was a concern regarding plates that may or may not have been active; all of the brokers indicated they no longer wanted to pursue this issue. Staff also felt that this would be a difficult task to complete and would probably result in court action against the City. Staff is concerned that there was never any minimum level of 'activity' prescribed in any of the Taxi Licensing By-laws of the former area municipalities (Ancaster, Flamborough, Dundas or Stoney Creek). Legal Services advised that if challenged, this By-law requirement would likely be struck down by a Court as being unreasonable and unfair. This issue was brought forward for discussion at the public meeting and the majority of stakeholders supported the policy.

SUBJECT: Taxi Industry By-law No. 03-128 Review (PD01120(c)) (City Wide)
Page 16 of 18

When the Taxi Licensing By-law was enacted in May of 2003, Council approved the issuance of temporary plates for a six month period subject to a review of taxicab plate activity. Between the time when amalgamation occurred in January 2001 and the passage of the By-law in May 2003 there were no actual physical plates handed out to taxicab plate owners at renewal time. (The plate owners renewed their licence by paying the renewal fee but the physical plates were not issued until the By-law was enacted). Vehicles were operating with expired plates, some former municipalities such as Ancaster had not issued the physical plate in two years and these vehicles were operating without any plate affixed to the taxicab vehicle. The industry indicated they were having difficulty particularly with the police and officials at the Toronto Airport because they did not have current plates indicating they were properly licensed by the City of Hamilton. These temporary plates were issued in order to create some uniformity and to better identify those vehicles operating in Hamilton, however, the issuance of the temporary plate does not confirm that these vehicles have been actively engaged in the industry for the past six years.

In view of the difficulties associated with attempting to collect the documents as outlined in Section 9 (18)(a) and (b) of the By-law and advice received from Legal Services, staff recommends that this requirement be deleted and is included in the recommendations. The proposed amendment requires that each taxicab owner provide proof that each taxicab plate was renewed in the year 2000 to ensure that the plate was licensed in the respective former municipality prior to amalgamation.

Spare Vehicles:

- The By-law requires taxicab owners to register a spare vehicle with the City Taxi Inspection Office to temporarily replace their licensed taxicab in case of vehicle breakdown. Currently, the By-law allows the taxicab owner to register one spare vehicle for every five licensed taxicab plates owned by such taxicab owner to a maximum of three spare vehicles.

Taxicab plate owners have advised staff that this requirement has caused some hardship to multi plate owners who have expressed concern that the ratio of spare vehicles to regular taxicabs is not working. Staff implemented a policy change which maintained the ratio of one spare vehicle for every five licensed taxicabs but increased the limit of spare taxicabs permitted to a maximum of nine from a maximum of three spare vehicles per owner. This increased number of spares will allow the multi-plate owners to implement a proactive maintenance program.

Insurance Requirements

- The new Taxicab By-law now requires that taxicab owners provide a third party liability limit of no less than \$5,000,000, indemnifying and protecting the owner and the public, including passengers and goods carried in the vehicle, inclusive of public liability and property damage. At the time of By-law consultation it was

SUBJECT: Taxi Industry By-law No. 03-128 Review (PD01120(c)) (City Wide)
Page 17 of 18

felt that the possibility for taxis being involved in accidents was very high. Most taxis are on the road 15 to 24 hours per day, exposing them to a higher risk of accidents. Taxicab owners have complained that they have had difficulty finding insurance companies who are willing to provide that level of coverage for a taxicab or even provide a policy to a taxicab as the standard liability limit required is \$2,000,000. The proposed recommendation reflects this concern by decreasing the insurance requirement from \$5,000,000 to \$2,000,000.

ANALYSIS OF ALTERNATIVES:

Council directed staff to undertake a review of the Harmonized Taxi By-law; the recommendations proposed reflect the concerns and suggestions brought forward by taxi industry stakeholders.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial – N/A

Staffing – N/A

Legal – N/A

POLICIES AFFECTING PROPOSAL:

Not applicable.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

This review of the Taxi By-law has attempted to address the concerns of industry stakeholders, including taxi brokers, plate owners/lessees, drivers and the community requiring accessible vehicles. In April 2004, a public meeting was held to review the proposed amendments of the Taxi By-law; meetings were held with each of the taxicab brokers; staff received input from drivers and from the public via the taxi hotline; and staff consulted with several municipalities currently licensing taxicabs.

The development of the proposed By-law amendments was co-ordinated through Legal Services.

CITY STRATEGIC COMMITMENT:

The proposed Taxicab By-law amendments will serve to protect the health and safety of the public. The By-law will ensure that standards are met and maintained within the taxi industry to protect public health and well being, and public safety and security in the City of Hamilton. The proposed changes have a positive impact on the physical health and

SUBJECT: Taxi Industry By-law No. 03-128 Review (PD01120(c)) (City Wide)
Page 18 of 18

well being of the public by ensuring that the transportation provided by the taxi industry meets the mechanical safety requirements imposed by the City and the Ministry of Transportation. Specifically, limiting the age of vehicles, additional vehicle inspections, and increased enforcement are expected to have a positive impact on the health and safety of the public, our air quality and the environment in the new City.

The proposed By-law amendments will serve to provide public awareness as to the rights and safety of clients and the rights and safety of the members of the industry providing the taxi service. An amended Harmonized Taxi By-law will serve to make available to members of the community a safe mode of transportation to participate fully and safely in activities and events offered throughout the entire new City of Hamilton.

:jld
Attachs. (2)

Authority: Item , Planning and Economic
Development Committee
Report PD01120(c)
CM:

Bill No.

CITY OF HAMILTON

BY-LAW NO. _____

To amend the City of Hamilton Licensing Code 01-156, Schedule 25

And the City of Hamilton Taxi By-law 03-128

**Being a By-law to provide for licensing, regulating and governing
taxicab owners and taxicab drivers of motor vehicles for hire
and for limiting the number of taxicab owner licences.**

WHEREAS it is provided in the Municipal Act, 2001 that by-laws may be passed for licensing, regulating and governing taxicab owners and drivers of taxicabs, buses, motor and other vehicles used for hire or any class or classes thereof, and for establishing the rates or fares to be charged by the owners or drivers of such vehicles for the conveyance of goods or passengers, either wholly within the municipality or to any point not more than 5 kilometres beyond its limits, and for providing for collection of such rates or fares and for suspending and revoking any such licences; and that by-laws may be passed for licensing, regulating and governing businesses;

AND WHEREAS the Municipal Act, S.O. 2001, the City of Hamilton, may within the limitations therein set out, licence, regulate and govern the taxi industry;

AND WHEREAS the City Of Hamilton enacted By-law 01-156 known as the City of Hamilton Licensing Code;

AND WHEREAS the City of Hamilton enacted By-law 03-128 known as the City of Hamilton Taxi By-law, to amend Schedule 25 of the City of Hamilton Licensing Code By-law -1-156

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That any reference to the term "licensed vehicle" in this Schedule shall be deleted and replaced with "taxicab".
2. That Section 1, Definitions and Interpretation be amended:

- (i) by adding to (a)(28) the words, "and shall have all the obligations and duties of a taxicab owner in this Schedule", to read as follows:

"lessee" means a person who is either a licensed taxicab owner or taxicab driver under this Schedule and who has entered into a lease with a licensed taxicab owner through which the person acquires certain rights from the owner and under takes to fulfil certain responsibilities with respect to the use of the taxicab owner's licence, licence plate and vehicle; and shall have all the obligations and duties of a taxicab owner in this Schedule.";

- (ii) By adding to (a)(38), the definition of "owner", to read as follows:

(1) "owner" means owner of a taxicab plate.

(2) "owner's plate" means a metal vehicle licence plate bearing a number specific to a vehicle issued to a taxicab owner under this Schedule."

3. That Section 5, General Prohibitions be amended, by adding subsection (11), to read as follows:

"No owner, operator or driver shall permit or allow any person to smoke in a taxicab."

4. That Section 6, General Duties – Taxicab Drivers/Owners/Brokers be amended:

- (i) by adding Subsection (6) to read as follows:

"Every driver, owner and broker of a taxicab shall provide to the Issuer of Licences and any Officer enforcing this Schedule, upon request and/or when required pursuant to this Schedule, an address within the City of Hamilton for service for any documents or notices to be provided pursuant to this Schedule or by Law."

- (ii) by adding Subsection (7) to read as follows:

"for the provision of this Section owner shall include the lessee."

5. That Section 9, Licensing Prerequisites – Taxicab Owners be amended:

- (i) by amending Section 9(4)(b), add the words "This provision shall be phased in over five years from the date of enactment of the re-wording", to read as follows:

"if no one person holds at least fifty-one percent (51%) of the voting rights of the corporation, then the minority shareholder, holding the

greatest percentage of the voting rights attached to all shares of the corporation for the time being issued and outstanding, shall be a taxicab driver holding current and valid taxicab driver licence under this Schedule. Where among the minority shareholders there are more than one minority shareholder holding the greatest percentage of the voting rights attached to all shares of the corporation for the time being issued and outstanding, the corporation shall designate the minority shareholder among such group who shall be a taxicab driver holding current and valid taxicab driver licence under this Schedule. This provision shall be phased in over five years from the date of enactment of the re-wording."

- (ii) by amending Subsection (7), delete \$5,000,000 and insert \$2,000,000, to read as follows:

"unless such person produces and files with the Issuer of Licences, a copy of a current and valid Ontario Standard Automobile Insurance policy for the vehicle for which such person is the owner and the policy shall be endorsed to provide that the Issuer of Licences will be given at least thirty (30) days notice in writing prior to any cancellation, expiration or change in the coverage amount or terms of the policy and the policy shall have a third party liability limit of no less than \$2,000,000 per occurrence, exclusive of interest and costs, indemnifying and protecting the owner and the public, including passengers and goods carried in such vehicles, inclusive of public liability and property damage;"

- (iii) by deleting Subsection (18) and 18(a) and (b); amend to read as follows:

"Upon enactment of this Schedule, every holder of a taxicab owner's licence shall provide proof that he or she renewed his/her taxicab plate licence in the year 2000."

- (iv) by deleting Subsection (19)

- (v) by adding Subsection (22), to read as follows:

"for the provision of this Section, owner shall include the lessee."

- (vi) by adding Subsection (23), to read as follows:

"That thirty (30) new non-transferable taxicab owner plates be issued at three (3) plates per year over the next ten (10) years commencing January 2005; with an evaluation being undertaken by staff in 2007, and bi-annually throughout the ten year phase-in to assess the impact of issuance on the taxicab industry."

6. That Section 37, Leasing be amended:

- (i) by amending Subsection (2), delete "taxicab and", to read as follows:

"A taxicab owner may lease or renew a lease of his or her taxicab owner's plate, provided that:"

- (ii) by amending Subsection (2)(b), delete "licensed taxicab owner's taxicab", to read as follows:

"the proposal contains a lease agreement which provides for lease of the taxicab owner's plate;

- (iii) by amending subsection (10) to read as follows:

(1) Every owner shall notify the Issuer of Licences and the lessee in writing of the expiration or other sooner termination of any lease to which he or she is a party or of any change in custody and control over his or her taxicab, at least fifteen (15) days prior thereto; and provide proof of service upon the lessee by way of a sworn affidavit.

(2) Every lessee shall notify the Issuer of Licences and the lessor in writing of the expiration or other sooner termination of any lease to which he or she is a party or of any change in custody and control over his or her taxicab, within fifteen (15) days prior thereto; and provide proof of service upon the owner by way of a sworn affidavit.

7. That Section 45, Taxicab Vehicle Standards and Inspections be amended:

- (i) by amending subsection (1), delete sub-subsection (b).
- (ii) by amending subsection (1), add sub-subsection (d), to read as follows:

"notwithstanding the age restriction set out in Section 45(1) any taxicab vehicle fueled by an alternative fuel, as determined by the issuer of Licences from time to time, shall be permitted one additional year of service to seven model years of age."

- (iii) by deleting subsection (2), and replace with the following corrected wording:

"To operate as a licensed taxicab, the vehicle shall be subject to the following mechanical fitness and safety inspections to be licensed or to have a licence renewed, as follows:

- (1) taxicab vehicles with a model year of one model year of age to less than three years of age shall be required to undergo mechanical fitness and safety inspections by City of Hamilton inspectors and provide a safety standards certificate issued under the Highway Traffic Act R.S.O. 1990, c.H.8 one time per year or at such greater frequency as may be required by the Issuer of Licences;

(2) taxicab vehicles with a model year of three years of age to a maximum of six years of age shall be required to undergo mechanical fitness and safety inspections by City of Hamilton inspectors and provide safety standards certificates issued under the Highway Traffic Act R.S.O. 1990, c.H.8 two times per year or at such frequency as may be required by the Issuer of Licences.

8. That Section 46, Spare Vehicles be amended:

(i) by amending subsection (5), delete "three (3)" and insert "nine (9)", to read as follows:

"The taxicab owner shall be limited to one (1) spare vehicle per five (5) licensed taxicab vehicles owned by such taxicab owner to a maximum of nine (9) spare vehicles."

(ii) by adding subsection (8), to read as follows:

"A vehicle previously authorized as a taxicab by the Issuer of Licences, may be continued to be used as a spare vehicle only provided that it does not exceed seven model years in age."

9. That Section 50, Duties of a Taxicab Driver be amended:

(i) by amending subsection (17), by inserting "or as approved by the Issuer of Licences", to read as follows:

"when operating a taxicab, keep a daily trip sheet, in the form attached to Appendix "2" or as approved by the Issuer of Licences, containing the following information:"

(ii) by amending subsection (30), delete "390" and insert "39", to read as follows:

"provide the medical certificate, as required by the Issuer of Licences, pursuant to section 39 of this Schedule."

10. That Section 51, Driver Prohibitions be amended:

(i) by amending subsection (17), delete "and" and replace with "and/or", to read as follows:

"operate a taxicab without door side numbers and/or letters and/or a roof light as required by this Schedule;"

(ii) by deleting subsection (28)

11. That Section 52, Owner's Duties be amended:

- (i) by deleting "No licensed owner shall fail to:", to read as follows:

"No licensed owner or lessee shall fail to:"

- (ii) by amending subsection (4)(a), delete "\$5,000,000" and replace with "\$2,000,000", to read as follows:

"obtain and maintain a policy of insurance in respect of the taxicab in full force and effect during the entire period of time for which the licence is issued and in full force and effect in an amount not less than \$2,000,000, exclusive of interest and costs, against loss or damage resulting from bodily injury to or death of one or more persons or from loss or damage to property resulting from any one accident;"

- (iii) by amending subsection (4)(b), delete "\$5,000,000" and replace with "\$2,000,000", to read as follows:

"provide a special endorsement to the policy of insurance referred to include clause (b), for passenger hazard in an amount not less than \$2,000,000, exclusive of interest and costs;"

- (iv) amend subsection (13), delete "annually" and replace with "pursuant to Section 45(2) of this Schedule", to read as follows:

"submit each licensed taxicab for general inspection and approval by the Issuer of Licences or an Officer pursuant to Section 45(2) of this Schedule, and at such other time or times when requested to do so by either of them;"

- (v) by deleting subsection (14), and replace with the following wording to read as follows:

"each taxicab must be equipped with an emergency lighting warning system mounted on the exterior of the vehicle as approved by the Issuer of Licences to provide safety for the taxicab driver;"

- (vi) by adding subsection (26) to read as follows:

"ensure that any vehicle for which the taxicab plate is to be used shall be in compliance with this Schedule."

12. That Section 53, Owner Prohibitions be amended:

- (i) by deleting "No licensed owner shall:", and shall read as follows:

"No licensed owner or lessee shall:"

(ii) by adding Subsection (26) to read as follows:

"shall permit his or her taxicab plate or the operations thereof to be used on a vehicle that does not comply with this Schedule."

2. Subject to the amendments made in this By-law, in all other respects, By-law No. 01-156 and By-law No. 03-128, are hereby confirmed unchanged.
3. This By-law shall come into force and effect on the date of its passing and enactment.

PASSED and ENACTED this day of , 2005.

MAYOR

CLERK



Hamilton

Advisory Committee for Persons with Disabilities

REPORT 10-006

4:00 p.m.

Tuesday, November 9, 2010

Room 192 City Hall

71 Main Street West

Present: T. Nolan (Chair) F. Chesney (Vice Chair)
T. Wallis, B. Lane, K. Nolan, R. Semkow,
R. Cameron, M. Smithson, A. Mallett, P. Cameron,
T. Manzuk

Absent with Regrets: Councillor B. Morelli – City Business
S. Derkach – Work Commitment
M. Thomas – Medical Issue
D. Burkett, B. Helwig

Also Present: J. Lee, M. Carter, J. Hayat, D. Sadler, A. Komocsi,
Customer Service, Access and Equity
Andy Grozelle, Legislative Assistant, Clerks Office

THE ADVISORY COMMITTEE FOR PERSONS WITH DISABILITIES PRESENTS REPORT 10-006 AND RESPECTFULLY RECOMMENDS:

1. Request for Policy on usage of video surveillance in relation to public transit

That the Advisory Committee for Persons with Disabilities request that staff be direct to prepare a set of guiding principals, policies and procedures for video surveillance cameras usage in relation to public transportation.

2. Proposed Reforms to Taxi Licensing By-law

- a) That staff be directed to take the required steps to ensure that by the end of 2012, 20% of licensed taxis in the City of Hamilton are fully accessible for people with disabilities, with a goal of achieving 100% accessible taxis within a reasonable timeframe;
- (b) That staff be directed to bring forward the required amendments to the Taxi Licensing By-law and program to ensure that as of 2011 all new taxi plates are issued only to accessible taxi cabs
- (c) That staff be directed to bring forward the required amendments to the Taxi By-law and program to ensure that all transfers and/or sales of taxi cab plates be permitted to accessible taxis only.
- (d) That staff be directed to amend the Taxi Licensing By-Law to ensure that all new vehicles are accessible.
- (e) That staff be directed to create a communication strategy to inform the public of reforms to the accessible taxi system and fares.

3. Request for HECFI to provide outline of their implementation Plan on the Accessible Customer Service Standard

The Advisory Committee for Persons with Disabilities requests that City Council requests a copy of the Hamilton Entertainment and Convention Facilities Inc.'s outline for the implementation plan on the Accessible Customer Service Standard.

4. Request for Information on renovations and Barrier-Free design from HECFI

The Advisory Committee for Persons with Disabilities recommends that City Council requests the Hamilton Entertainment and Convention Facilities Inc. prepare a document outlining how the Barrier-Free Design guidelines are used, where they are used and to provide a list of all planned renovation projects for the next five years.

FOR THE INFORMATION OF COMMITTEE:

The meeting was called to order at 4:08 p.m. by Chair Nolan.

(a) CHANGES TO THE AGENDA (Item 1)

The Clerk advised of the following changes to the agenda.

- (i) That the Report of the October 28, 2010 Customer Service Sub-Committee be added as item 5.4.

- (ii) The clerk also indicated that he would like to introduce item 7.1 under new business in respect to a memorandum he circulated to board members to arrange a tour date of the McNab Street Transit Terminal.

On a motion the agenda was approved as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

There were no declarations of interest.

(c) MINUTES (Item 3)

(i) Minutes of the Advisory Committee for Persons with Disabilities meeting held on October 12 (Item 3.1)

The minutes of the Advisory Committee for Persons with Disabilities meeting held on October 12, 2010 were approved as presented.

- There was some discussion on when the appropriate time was to raise matters that arouse from the Minutes
- The clerk indicated that if staff wished to report back on direction given by the Committee in the minutes of the previous meeting the appropriate time to do so would be to provide an update under discussion items
- Items not submitted in time for the printed agenda could also be brought up under New Business
- Chesney raised a concern about how then are matters requiring follow-up tracked?
- The clerk advised that all follow-up related to recommendations reported to Committee of the Whole (General Issues Committee) is tracked by the Committee clerk,
- the clerk indicated that one way to track these items would be to institute an Outstanding Business List.
- the Clerk advised that tracking for items that are not recommendations to Standing Committee are the responsibility of the Committees staff resources

(d) SUB-COMMITTEE UPDATES (Item 5)

(i) Transportation Sub-Committee Minutes, August 24, 2010 (Item 5.1) (referred from September and October meetings)

**(a) ATS Performance Report – June 2010: REVISED
General Issues Committee – January 10, 2011**

Mallett provided the following update, her points included but were not limited to the following:

- There are a few outstanding things such as the extension of hours hasn't happened to darts
- Discussed how DARTS was going to be used to test they system
- Discussion on the installation on rapid transit

Chesney asked in regards to the cameras if there would be a notification to the riders

- There will be a notification to passengers
 - had some discussion around the privacy issues related to this
- Chesney indicated that if it is used as a performance tool she has a concern about it but if it used as a safety measure then it is okay
- K. Nolan indicated that HSR are currently doing the trial runs and and only one person currently has access to watch the video
 - Mallett indicated that she feels it is unfair that the disabled are being used to test out a new system

Lane questioned whether there could be a polling done by the people in the disabled community to institute this.

- Mallett indicated that the only thing that would do this is a successful lawsuit against the cameras as these vehicles are public property
- Lane indicated that he had a problem with voices being recorded

Chair Nolan indicated that the Access Committee requested that they do a policy around who can access to the footage of these tapes and under what circumstances they would be allowed to do so. Chair Nolan indicated that he received a basic refusal from staff

By motion the Advisory Committee for Persons with Disabilities requested that staff be direct to prepare a set of guiding principals, policies, procedures and guidelines for video surveillance cameras usage in relation to public transportation.

-There was some discussion on the fact that this was implemented by City Council without advising ACPD in any form.

-There was the indication that this should be provided to Council as background information.

-Chair Nolan indicated that Council should also be informed that the absence of a policy means that the City of Hamilton is in violation of AODA legislation

-Wallis indicated that this is will result in the death of the occasional chit chat with bus drivers

-Mallett pointed out that this should not be used as a performance measurement tool

-Later Jane Lee advised that the Minutes of the September meeting of the Transportation Sub-Committee showed that staff had indicated they would be making a video surveillance policy, notify the public and posting the policy online.

-Committee members indicated that they still wanted the previously moved motion to go ahead as insurance that staff are directed to enact these measures.

-There was some discussion around the numbers in the ATS Performance Report and there was an indication that they would be discussed after the next performance report is received

The Transportation Sub-Committee Minutes, August 24, 2010 were received.

(ii) Transportation Sub-Committee Report, September 28, 2010 (Item 5.2)

(a) Minutes of September 28, 2010

Mallett provided the following update, her points included but were not limited to the following:

- Mentioned concerns that the Taxi Advisory Committee hasn't met although reforms in relation to taxi's are being brought forward

The Transportation Sub-Committee Report and Minutes of, September 28, 2010 were received.

(iii) Transportation Sub-Committee Report, October 27, 2010 (Item 5.3)

(a) Citizen Committee Report – Provision of Accessible Taxis in the City of Hamilton

Malett provided the following update, her points included but were not limited to the following:

-Smithson asked about whether there is special training and licensing required for accessible taxis

-Malett indicated that there was

-Smithson inquired about why the wait times and fares have to be the same for accessible taxis as regular ones

-Chair Nolan indicated that it was an essential human rights issue that disabled people are not required to pay a larger amount for the same services than the rest of the general public

-Lane indicated that he was pleased with the fact that the City was willing to move forward with this as the municipality is not required to move forward with this at this point

-Aznive indicated that Vince Ormond had spoken before for the need for accessible taxis something she indicated was very positive

-Chair Nolan indicated that there was the issue that taxi owners may simply pulling their fleet from an area if by-laws are enacted

-Chair Nolan indicated that with that we will achieve complete equality in this system

General Issues Committee – January 10, 2011

- Chair Nolan requested that there be follow-up on the Accessible Taxi issue
- Smithson discussed that fare charge system there was a suggestion to add an subsection (e) to the report
- Smithson asked about how accessible taxi's need to be in terms of scooters and wheelchairs
- Chair Nolan and Mallett discussed the current standards and how rear loaders are currently not permitted
- Chesney asked about the reinstatement to the DARTS list after they are hospitalized asked how they can get back on the subscription list?
- Mallett and Jane Lee indicated that is likely an ATS issue

The following motion was passed by Committee:

- (ii) Proposed Reforms to Taxi Licensing By-law
 - (a) That staff be directed to take the required steps to ensure that by the end of 2012, 20% of licensed taxis in the City of Hamilton are fully accessible for people with disabilities, with a goal of achieving 100% accessible taxis within a reasonable timeframe;
 - (b) That staff be directed to bring forward the required amendments to the Taxi Licensing By-law and program to ensure that as of 2011 all new taxi plates are issued only to accessible taxi cabs
 - (c) That staff be directed to bring forward the required amendments to the Taxi By-law and program to ensure that all transfers and/or sales of taxi cab plates be permitted to accessible taxis only.
 - (d) That staff be directed to amend the Taxi Licensing By-Law to ensure that all new vehicles are accessible.
 - (e) That staff be directed to create a communication strategy developed to inform the public of reforms to the accessible taxi system and fares.

The Transportation Sub-Committee Report of October 27, 2010 was received.

(iv) Customer Service Sub-Committee Report, October 28, 2010 (Added Item 5.4)

Smithson provided the following update, her points included but were not limited to the following:

- Discussed the trip to the Museum of Steam and Technology and that numerous accessible features were already in place
- Discussed how they indicated the need for signage, print and some discussion on the drop off locations

-indicated that they were very accommodating and receptive to the ideas brought forward by the Sub-Committee

The Customer Service Sub-Committee Report of October 28, 2010 was received.

(e) DISCUSSION ITEMS (Item 6)

(i) Clerical error respecting Report of ACPD's June 2009 meeting, that was never submitted to Committee of the Whole. (Item 6.1)

-The Clerk provided an update that the Report of the June 2009 ACPD meeting was never submitted to Committee of the Whole due to a clerical error. Since the error was discovered so long after the fact the clerk suggested that the recommendations of the Report are now out of date and should be reconsidered by the Committee.

-Smithson discussed how this is related to the Fire Plan however was informed by staff that was another Report that is still being worked upon
-The Committee decided to make amendments to the first motion and restate the second motion to correct the reporting error.

By motion The Advisory Committee for Persons with Disabilities requested that City Council requests a copy of the Hamilton Entertainment and Convention Facilities Inc.'s outline for the implementation plan Accessible Customer Service Standard.

By motion The ACPD recommended to City Council that the Hamilton Entertainment and Convention Facilities Inc. prepare a document outlining how the Barrier-Free Design guidelines are used, where they are used and to provide a list of all planned renovation projects for the next five years.

(ii) Rescue Vehicles working group discussion (Item 6.2)

-Chair Nolan indicated that the working group will hasn't met yet so would it be worthwhile for the working group to meet or just to wait until new members are appointed

-Chesney discussed the need for staff liaison on the working group

-Mallet suggested inviting the police to sit on the working group

-The Clerk was asked how the Committee should proceed, he indicated that staff should be consulted to gauge their willingness to sit on the

working group, also pointed out that since this issue relates to transportation it could be sent to the Transportation Sub-Committee

- Committee members indicated that this issue was too big to go to the Transportation Sub-Committee
- Jane Lee agreed that this issue should be handled by a working group provided she an update on previous efforts in this vein and indicated that she is willing to sit for the first meeting of the working group
- That the new appointments be declared to help facilitate the next meeting of the with Malett, Chesney, K. Nolan, R. Cameron

(iii) Representation of people with disabilities on boards and committees (Item 6.3)

- The Clerk provided an update on the selection process Indicating how the City of Hamilton works on the selection process
- Outlined how wording is including in the application to encourage marginalized groups to apply
- Described how this is an equity not a disability related issue as it relates to numerous groups.
- Indicated that any approach to address this would need to consider all marginalized groups and not just those with disabilities, making it a matter that is beyond the mandate of the ACPD Committee
- Suggested that ACPD liaise with other Advisory Committees representing the interest of various marginalized groups in the City if they desired to bring a reform policy forward

- Staff liaison to the Committee disagreed with the clerks assessment indicating that she believed it was appropriate for the Committee to pass recommendations on this matter.
- staff went on to indicate that they have been working with clerks in relation to this aspect of the selection process

- Chesney indicated that there is a question on how deficiencies are indicated and what can be done in terms to address them
- staff indicated that there is record keeping done on a voluntary basis and that those numbers are examined
- Lee indicated that they are working on it with Clerks
- There was some discussion on the need for the policy to be brought forward
- Chair Nolan expressed concerns that this has been brought forward previously and nothing had been done.
- Suggested in the past that appointments were made based on favours done to Councillors and that the entire system is in need of reform
- Jane Lee indicated that matters of equity in appointments are being moved forward with clerks however in terms of timelines they may not be achievable during this selection process
- Lane indicated that there is a need to push these issues forward so that they are simply not buried again

By motion the Advisory Committee tabled item 6.4, Update on Audible Signs and Item 6.5, Request from David Lepofsky, Chair of the AODA Alliance, for the ACDP to write to the Premier of Ontario in support of the AODA Alliance's brief on proposed integrated Accessibility Standards until their next meeting.

(iv) Update on audible signs (Item 6.4)

Tabled until December meeting

(v) Request from David Lepofsky, Chair of the AODA Alliance, for the ACDP to write to the Premier of Ontario in support of the AODA Alliance's brief on proposed integrated Accessibility Standards (Item 6.5)

Tabled until December meeting

(f) NEW BUSINESS (Item 7)

(i) McNab Street Transit Terminal Tour

- Committee members agreed to the December 7, 2010 date proposed by staff
- The Committee Clerk was advised to provide them with further details when they become available

(h) ADJOURNMENT (Item 8)

The Advisory Committee for Persons with Disabilities adjourned at 6:05 p.m.

Respectfully submitted,

Tim Nolan, Chair
Advisory Committee for Persons with Disabilities

Andy Grozelle

General Issues Committee – January 10, 2011

Legislative Assistant
November 9, 2010